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**Certification for a Complaint to the Washington State Public Disclosure
Commission Relating to an Elected Official or Candidate for Public Office
(Notary Not Required)**

Public Disclosure Commission

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature:

Laure A. Iddings

Your printed name:

Laure A. Iddings

Street address:

P.O. Box 2

City, state and zip code:

Maple Valley, WA. 98038

Telephone number:

425. 432. 5343

E-Mail Address: (Optional)

Date Signed:

May 2, 2006

Place Signed (City and County):

Maple Valley, King County

City County

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

COMPLAINT ATTACHED

Laure Iddings

Citizens Against Unfair
Taxes

P.O. Box 222

Black Diamond, WA. 98010

www.NoMay16Taxes.com

Tel: 425. 432. 5343

Fax: 425. 432. 4643

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May 2, 2006

VIA FAX AND U.S. MAIL

Ms. Vicki Rippie, Executive Director
Mr. Phil Stutzman, Director of Compliance
Public Disclosure Commission
711 Capitol Way #206
PO Box 40908
Olympia, WA 98504-0908

Re: Complaint Regarding King County Ballot Proposition No. 1 Concerning Public
Hospital District No. 1 Proposed Annexation

Dear Ms. Rippie and Mr. Stutzman:

This complaint is brought regarding King County Proposition No. 1 through which Public Hospital District No. 1 is seeking to annex additional area into its district. As detailed below, Public Hospital District No. 1 ("Hospital District"), through its CEO Hospital Administrator Rich Roodman and Board Members Carole Anderson, Don Jacobson, Carolyn Parnell, Mike Miller, and Gary Kohlwes is engaging and has engaged in activities that misuse public funds and violate both the spirit and letter of Chapter 42.17 RCW, including, but not limited to, RCW 42.17.128 and RCW 42.17.130.

RCW 42.17.128 provides:

Public funds, whether derived through taxes, fees, penalties, or any other sources, shall not be used to finance political campaigns for state or local office.

RCW 42.17.130 provides, in relevant part (emphasis added):

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for

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the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, **publications of the office or agency**, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

... (3) Activities which are part of the normal and regular conduct of the office or agency.

In "Guidelines for Local Government Agencies in Election Campaigns," the PDC notes:

The combination of a number of activities into a coordinated campaign involving close coordination between agency activities and citizens' committee activities which closely resembles traditional election campaign activities and which is targeted at and/or occurs close in time to a ballot measure election is likely to draw close scrutiny and careful consideration by the PDC as to whether a violation has occurred.

Indeed, a "coordinated campaign" is precisely what Public Hospital District #1 has done. They have engaged in a coordinated campaign that includes contacting over 40,000 persons by mail and i.d. and advocacy calls to 22,000 people -- outside their district, conducting an Elway poll, and mailing two inaccurate advocacy brochures to coincide with delivery of the absentee ballots. None of these are "normal and regular conduct."

If they had wanted to communicate with voters in the annexation area, they could have done a voters' pamphlet, as provided for in state law. Public Hospital District #1 said they chose not to print a voters' pamphlet due to the cost, but are surely spending much more than the cost of a voters' pamphlet to write, print, and distribute very misleading material outside of their district.

Therefore, to the extent the Hospital District has utilized and/or is utilizing taxpayer funded public resources in an improper manner, the Hospital District is violating and has violated state law.

The Hospital District has engaged in several activities that run afoul of state law, including:

- According to to their own presentations, expending approximately \$250,000 in taxpayer dollars on the annexation campaign in the time period immediately before and after Hospital District's passage of the ballot resolution, which was the means by which the

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Hospital District was able to place the annexation proposition on the ballot for the May 16, 2006 special election.

- Expending taxpayer dollars to conduct a telephone survey with “identification” and “advocacy” questions of over 22,000 people who reside outside the Hospital District boundaries but within the proposed annexation area. (See Attachment A, p. 3)
- Expending taxpayer dollars to conduct an Elway poll of 700 respondents who reside outside the Hospital District boundaries but within the proposed annexation area, testing ballot strength.¹
- Expending taxpayer dollars to prepare and publish several publications in support of the Hospital District’s annexation campaign, including the cost of mailing such publications outside the boundaries of the Hospital District. *See*, Attachments A and B attached hereto. The subject publications are clearly campaign/advocacy pieces and have been timed to get to voters in the proposed annexation area at the same time voters receive their absentee ballots. Additionally, the publications have been mailed only to the residents in the proposed annexation area and not to residents within the boundaries of the current district. By looking at its inaccuracies, it’s clear the mailer is biased to advocate for a “Yes” vote.
 - For example, during the week of April 24 – 28 (which is the week residents began receiving their ballots² in the mail) the Hospital District mailed to residents in the proposed annexation area two different four-page advocacy pieces. Such a frequency and content of mailers could not reasonably be seen as the regular communication within their service area. While both pamphlets contain questionable statements we will walk through some found in the first mailer sent at public expense entitled, “Local Healthcare for a Growing Community – Important Information from Valley Medical Center.” The piece, which is attached hereto as Attachment A, includes many questionable and/or overtly inaccurate statements, among them:

¹ Note that PDC Interpretation No. 04-02 (September 28, 2004), at page 19, explicitly addresses surveys and research and states: “Agencies shall not conduct surveys to determine what taxation level the public would support.” The Interpretation also states: “Agencies shall not conduct surveys designed to shore up support or opposition for a ballot measure.”

² Note also that the Hospital District was forced by court order to revise its ballot proposition to include a statement regarding the amount residents in the proposed area of annexation would see their property taxes increase, in that the Hospital District failed to provide such information in the ballot proposition it submitted.

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1. (Page 2): "Most of southern King County is part of Public Hospital District #1..."
 - This statement is factually untrue. In fact, the Hospital District boundaries currently cover less than one-third of southern King County.
2. (Page 3): The second paragraph references a "recent" study and refers to alleged ratios of residents to health care providers. For Maple Valley, the alleged ratio cited is 4,344 residents for every one health care provider.
 - In fact, the true ratio is less than half the figure provided by the Hospital District, and far less than the 3,000 residents to every one health care provider standard the Hospital District cites as constituting a severe shortage. Due in part to the opening last year of the largest clinic in Maple Valley, the Lake Wilderness Medical Clinic (operated by Snoqualmie Valley Hospital), and in light of Maple Valley's current population of approximately 19,074, the correct ratio today is approximately 2,119 residents to every one health care provider, which is *less than half* of what is alleged by the Hospital District. The health care "shortage" allegations by the Hospital District are inaccurate and misleading. Moreover, the allegations are troublesome because presumably the Hospital District is very aware of the current market dynamics of the area and with how many health care providers are in Maple Valley, and presumably the data the Hospital District has in this regard is not the information the district is providing to residents in the proposed annexation area.
3. (Page 3): The third paragraph includes the statement: "The lease on this clinic (the Hospital District's Maple Valley Clinic, which has two doctors) is set to expire."
 - In fact, the clinic's lease will expire in 2008. By reasonable standards, this statement by the Hospital District is also misleading.
4. (Page 3): In the seventh paragraph on "emergency" elections, the Hospital District claims that it had to call an emergency to get this proposition on the ballot for this special election.
 - However, according to RCW 29A.04.330 which governs special elections, a special election can only be called if the county auditor (in this case the King County Manager of Records and Elections) "deems an emergency to exist."

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Washington courts, including the court in *Swartout v. City of Spokane*, 21 Wn. App. 665 (1978), have held that for an emergency to exist there must be sufficient facts to justify the emergent nature of the "emergency" determination. Here, the Hospital District's claim that an emergency exists is unsupported by facts, unjustified, and invalid.

5. (Page 3) The ninth paragraph is entitled, "What if I have more questions?" The paragraph directs the reader to obtain more information by going to the Hospital District's website – www.valleymed.org.

- However, there is no information about the so-called "emergency election" on the Hospital District's website. Instead, the website has several articles on the Hospital District's "smoke free campus," "team spirit," and quilting. Also noteworthy is that even though the website has several press articles for visitors to read, none of the articles are about the election or its impacts on the area to be annexed, even though a multitude of such articles have come out in recent weeks in local newspapers and other publications.

Since the campaign on the Hospital District ballot proposition is underway, with ballots already in the hands of voters, we ask that the Public Disclosure Commission take emergency action to prevent the Hospital District from continuing to violate state law by actively and improperly using taxpayer dollars to campaign for its annexation proposal. If the PDC delays from the perspective that any violations can be addressed in the future through fines, the damage will have already occurred, especially if the Hospital District's improper activities result in the passage of the annexation proposition. Moreover, if the proposition passes, any fines levied against the Hospital District will be paid with taxpayer funds from the district's new territory. Surely, this is not a result the PDC would find acceptable.

Consistent with the PDC's statutory responsibility to enforce Chapter 42.17 RCW, and in the public interest generally and the interest of taxpayers in the proposed annexation area specifically, we ask that you act on an emergency basis to take action to prevent the Hospital District from continuing its illegal campaign and advocacy activities and to reprimand the district to the fullest extent allowed by law. Such an action is consistent with RCW 42.17.128 and .130 and with the PDC's past actions in similar situations. See, PDC Declaratory Order No. 10 (November 16, 1993).

Moreover, such action is consistent with case law in this state. See, *Telford v. Thurston County Bd. of Com'rs.*, 95 Wn. App. 149, 159 (1999), rev. den. 138 Wn.2d 1015 (1999) (Chapter 42.17 RCW is to "be broadly and liberally construed" to promote the ends of "government

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accountability and to limit campaign financing,” and to “restrict the use of public funds for political purposes.”) Further, such action is consistent with Washington Attorney General Opinions on the subject. *See*, AGO 1994 No. 20, at pp. 7-8 (1994) (advocacy of measures with public funds and active campaigning are not considered “normal and regular conduct” and are impermissible). Time is of the essence in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laure A. Iddings".

Laure A. Iddings

Enclosures:

A: Valley Medical mailer #1, “Local Healthcare for a Growing Community – Important Information from Valley Medical Center.”

B. Valley Medical mailer #2 “Proposition #1 Voter Information, Election Day is May 16th,”